

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of Section 5.6.1.C.1 not to have 50% of the wall surface at street-level on the Dixie Highway frontages consisting of clear windows and doors.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because only the side of the proposed building that is not Land Development Code compliant is where the drive-thru/kitchen/back of house will be located. Not having 50% of the wall surface in this area facing Dixie Highway will not adversely affect the adjacent property owners, which are on the sides and building where screening and buffering are being provided.

2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives, and Policies of the Comp Plan 2040 filed with the rezoning application.

3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the layout of the building on the site necessitates its orientation and drive thru location such that the back of house area will be located on the Dixie Highway side of the building. Like all other fast-food restaurants with drive-thrus, this area of the building is where the kitchen, supply rooms, etc. are located such that clear windows and doors would be impractical.

4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because a restaurant with a drive-thru could not be located on this site, without a waiver.